

THE FOLLOWING RESOLUTION WAS OFFERED BY (6/20/17)
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____, TO WIT:

WHEREAS, the Town Board of the Town of Newstead has determined that it would be in the best interest of the Town of Newstead to regulate the installation of solar energy systems within the Town of Newstead; and

WHEREAS, the Town Board previously adopted a moratorium on installation of all solar energy systems except for roof mounted systems to allow members of the Town Board and Planning Board to research the issue and come up with a law that encourages the installation of solar energy systems while minimizing any adverse impacts of such systems on neighboring properties; and

WHEREAS, the Town of Newstead Planning Board has submitted a draft Solar Energy Law to the Town Board which has reviewed it and made certain modifications and additions; and

WHEREAS, Councilman _____ introduced the following proposed "Local Law No. 4 of the Year 2017", entitled "Solar Energy Law of the Town of Newstead" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 4 of the Year 2017 entitled "Solar Energy Law of the Town of Newstead".

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 4 of the Year 2017 entitled "Solar Energy Law of the Town of Newstead".

SECTION 2. AUTHORITY

This Solar Energy Law is adopted pursuant to the Municipal Home Rule Law of the State of New York and Sections 261-263 of the Town Law of the State of New York which authorize the Town of Newstead to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary.

SECTION 3. PURPOSE

This Solar Energy Law is adopted to advance and protect the public health, safety, and welfare of the Town of Newstead including taking advantage of a safe, abundant, renewable, and non-polluting energy resource, decreasing the cost of energy to owners of commercial and residential properties, increasing employment and business development in the region by furthering the installation of Solar Energy Systems and creating synergy between solar actions of the community and various provisions of the Combined Comprehensive Plan relating to positive use of vacant and backland properties.

SECTION 4. DEFINITIONS

For the purpose of this chapter, the terms used shall be defined as follows:

BUILDING INTEGRATED PHOTOVOLTAIC OR SOLAR ENERGY SYSTEM:

A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

SMALL-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System of up to an including 2,000 square feet that is for the primary purpose of producing electricity for onsite consumption. Panel surface area is included in total lot coverage.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System of more than 2,000 square feet that produces energy for use on site consumption or for offsite sale or both.

NET METERING: Excess (unused) power turns your meter backward and travels back into the grid. The utility company issues credit to property owner for power produced.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on, or integrated into, the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption. These systems are permitted as accessory use when attached to a lawfully permitted principal or accessory structure in all zoning districts.

GROUND MOUNTED SOLAR ENERGY SYSTEM

A Solar Energy System attached to a pole or other mounting system that is anchored to the ground and, detached from any other structure for the primary purpose of producing electricity. Panel surface area is included in total lot coverage.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or conduit and devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SCALES OF SOLAR POWER:

Small scale/Residential: Up to 2,000 square feet. - electricity is produced primarily for on-site use.

Large Scale: over 2,000 square feet

Commercial/Office.....electricity is primarily used on site

Industrial/Factory.....electricity is primarily used on site

Shared Solar.....Limited to 2MW. 2MW project serves 200 – 400 households.

Expands access to solar for customers who cannot site their own system and intended to allow residents and business to buy shares in larger community solar projects.

Utility Grade..... electricity is primarily for use off site or for sale back to the grid.

SECTION 5. APPLICABILITY

The requirements of the law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair.

SECTION 6. SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE OR STRUCTURE

Glare: The design, construction, operation and maintenance of any solar energy system shall reduce to an acceptable level the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks.

SECTION 7. SMALL SCALE REQUIREMENTS

Unless otherwise noted, small scale solar systems are subject to the underlying zoning.

A. Roof mounted

Roof-Mounted Solar Energy Systems that produce electricity for onsite use are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

Height Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

Aesthetics Roof-Mounted Solar Energy System installations shall incorporate, when feasible and excluding flat roofs, the following design requirement:

Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.

B. Ground mounted

Ground-Mounted Solar Energy Systems that generate electricity primarily for onsite use are permitted as accessory structures in the all districts, except R1, R2 and R3.

Height and Setback Ground-Mounted Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district except setback shall be 20' off the property line. Small scale Ground-Mounted Solar Energy systems shall not exceed 15 feet in height above the ground.

Lot Coverage The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage, so as not to exceed the underlying zone's lot coverage requirement.

All such systems in all districts except industrial district shall be installed in the rear yard, or in the side yard to the rear of a line parallel with and beginning at the front of the principal structure

Small-Scale Ground-Mounted Solar Energy Systems that generate electricity used primarily onsite shall be exempt from site plan review under the local zoning code or other land use regulations.

SECTION 8. LARGE-SCALE REQUIREMENTS

A. Roof-Mounted Solar Energy Systems.

- 1) Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- 2) Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- 3) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible and excluding flat roofs, the following design requirement:
 - a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.

B. Ground-Mounted Solar Energy Systems.

- 1) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district. Large-scale ground-mounted solar energy systems shall not exceed 20 feet in peak height unless specifically approved as part of the special use permit process.
- 2) Lot Coverage. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage, so as not to exceed the underlying zone's lot coverage requirement except in the RA Zoning District. In the RA Zoning District surface area covered by Ground-Mounted Solar Panels shall not exceed 50% of the entire area of the lot unless specifically approved as part of the special use permit process.
- 3) All such systems in the R-A residential district shall be installed in the side yard no closer to the road than the principal structure or behind the principal structure.
- 4) Large scale ground mounted solar energy systems require site plan approval.

SECTION 9. APPROVAL OF STANDARDS FOR SMALL-SCALE SOLAR SYSTEMS.

A. Small-Scale Solar Energy Systems. Small-Scale Solar Energy Systems are permitted without the need of a special use permit subject to the requirements set forth in this section. Any person wishing to install a Small-Scale Solar Energy System must notify the Code Enforcement Officer of the intention to do so at least 10 days prior to commencing the installation of the Small-Scale Solar Energy System. If solar storage batteries are proposed, copies of the plans for such system must be submitted to the Code Enforcement Officer at least 10 days prior to commencing installation of such household battery back-up system. The solar storage battery back-up system shall require an electrical inspection prior to being placed in service. When solar storage batteries are included as part of the solar collection system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer use shall be disposed of in accordance with the laws and regulations of Erie County and other applicable laws and regulations.

Disconnect and other emergency shutoff information must be clearly displayed at/on the meter location for emergency personnel and 24 hour emergency contact information must be clearly displayed on the side of the structure.

SECTION 10. APPROVAL OF STANDARDS FOR LARGE-SCALE SOLAR SYSTEMS AS A SPECIAL USE

A. Large-Scale Solar Energy Systems. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Code Enforcement Officer and referred to the Planning Board for its review and comment prior to forwarding to the Town Board for final approval, approval with conditions, or denial.

B. Special Use Permit Application Requirements. For a special use permit application, the site plan application is to be used as supplemented by the following provisions:

- 1) If the property where the proposed project is to be located is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including the lease, easements or other agreements, shall be submitted. A signed affidavit from the landowner stating they acknowledge their responsibilities under the lease should be included.
- 2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer shall be required.
- 3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, batteries and inverters that are to be installed.

- 4) Property Operation and Maintenance Plan. Such plan shall describe continuing maintenance of photovoltaic or solar energy system and property upkeep, such as mowing and trimming. Copies of maintenance or repair records must be submitted to the Code Enforcement Officer within 10 days of such maintenance or repair.

C. Special Use Permit Standards

- 1) Large-Scale Solar Energy Systems buildings and accessory structures shall, to the extent reasonable possible, use materials, colors, and textures that will blend the facility into the existing environment. Ground-Mounted Solar Energy Systems shall adhere to height and setback requirements of the underlying zoning district. In no case can a solar farm be situated in front of adjacent residences.
- 2) Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 10 acres unless a smaller size is specifically approved as part of the special use permit process and can be a combination of properties if utilized in connection with a integrated commercial operation.
- 3) All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the responsible party's contact information shall be placed on the entrance and every 300 feet of the perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts, and must have a minimum cleared area 15' wide on its perimeter.
- 4) To the maximum extent possible, all power lines shall be placed underground with no pavement allowed on site except if associated with a commercial operation in which case pavement may be used but pavement must be minimized and determined in accordance with site plan review.
- 5) Special use permits for solar are permanent and should run with the property.
- 6) If an application for a Small-Scale Energy System does not meet all requirements, it will be considered a Large-Scale Solar Energy project.
- 7) Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the zoning code that, in the judgment of the Planning Board are applicable to the system being proposed.
- 8) The Town Board may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section and in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

- 9) No signage or graphic content may be displayed on the solar power system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within a reasonable size.
- 10) For Large-Scale Roof Mounted Solar Energy Systems disconnect and other emergency shutoff information must be clearly displayed at/on the meter location for emergency personnel and 24 hour emergency contact information must be clearly displayed on the side of the structure.

SECTION 11. PAYMENT IN LIEU OF TAXES REQUIREMENT FOR LARGE-SCALE SOLAR ENERGY SYSTEMS

Pursuant to the New York State Real Property Tax Section 487 provides a fifteen-year real property tax exemption to the increase in the value of property by reason of the installation of a solar energy system on a parcel of land unless the local taxing authority opts out of providing the exemption. The Town of Newstead is not opting out of the provision but will require that Large-Scale Solar Energy Systems make a payment in lieu of taxes to the Town of Newstead with the amount to be set through negotiations with the Town.

Written notice of intention to install a Large-Scale Energy System in the Town of Newstead must be filed in the Town Clerk's Office in order to satisfy the notice requirements of Section 487 of the Real Property Tax Law. Within 60 days of receipt of such notice or such within other statutory period as may be hereafter established by New York State in Real Property Tax Law Section 487, the Town shall notify the applicant that the Town will require a payment in lieu of taxes.

SECTION 12. ABANDONMENT AND DECOMMISSIONING

Solar Energy Systems are considered abandoned after one year without electrical energy being used on site or supplied to the grid and must be removed from the property, or if construction has not started within 18 months of site plan approval. Applications for extensions will be reviewed by the Town Board for a period of six months.

Decommissioning Plan: To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Submittal of a Decommissioning Plan shall be made a condition precedent for the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is no longer be used, it shall be removed by the applicant or any subsequent owner. The Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall be stated in year of construction dollars. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Energy System is not decommissioned after

being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

SECTION 13. ENFORCEMENT

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning law of the Town of Newstead.

SECTION 14. SEPARABILITY

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 15. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State of New York.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:40 p.m. on the 10th day of July, 2017, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2017; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and (c) send notice to Erie County Department of Environment and Planning as required under Section 239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 4 of the Year 2017, entitled "Solar Energy Law of the Town of Newstead", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman	Dugan	Voted _____
Councilman	Burke	Voted _____
Councilman	Jendrowski	Voted _____
Councilwoman	Morlacci	Voted _____
Supervisor	Cummings	Voted _____

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on June 26, 2017, for adoption a proposed Local Law to be known as "Local Law No. 4 of the Year 2017" entitled "Solar Energy Law of the Town of Newstead". The proposed Local Law will to advance and protect the public health, safety, and welfare of the Town of Newstead including taking advantage of a safe, abundant, renewable, and non-polluting energy resource, decreasing the cost of energy to owners of commercial and residential properties, increasing employment and business development in the region by furthering the installation of Solar Energy Systems and creating synergy between solar actions of the community and various provisions of the Combined Comprehensive Plan relating to positive use of vacant and backland properties.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 4 of the Year 2017, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:40 p.m. on the 10th day of July, 2017 at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by July 5, 2017.

Dated: June 26, 2017

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

THE FOLLOWING RESOLUTION WAS OFFERED BY (6/20/17)
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____, TO WIT:

WHEREAS, the Town Board of the Town of Newstead has previously approved the Avoidable Alarm and Knox Box Law of the Town of Newstead pursuant to Local Law No. 1 of the Year 2017; and

WHEREAS, the Town Board has received a number of requests from existing businesses to receive an exemption from the requirement of installing a Knox Box in their commercial building; and

WHEREAS, the Town Board has determined that it is willing to consider granting exemptions for existing commercial buildings constructed prior to the September 13, 2010 resolution of the Town of Newstead requiring the installation of Knox Boxes in all new commercial structures and existing commercial structures undergoing substantial renovations with the understanding that by asking for the exemption, their failure to install a Knox Box could result in substantial damages if entry is required due to an emergency; and

WHEREAS, Councilman _____ introduced the following proposed "Local Law No. 5 of the Year 2017", entitled "Amendment to the Avoidable Alarm and Knox Box Law of the Town of Newstead" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 5 of the Year 2017 entitled "Amendment to the Avoidable Alarm and Knox Box Law of the Town of Newstead".

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 5 of the Year 2017 entitled "Amendment to the Avoidable Alarm and Knox Box Law of the Town of Newstead".

SECTION 2. PURPOSE

The purpose of this local law is to amend the Avoidable Alarm and Knox Box Law to allow for owners of existing commercial structures constructed prior to the adoption by the Town of Newstead of a Knox Box Policy on June 13, 2010 requiring the installation of Knox Boxes to request an exemption from the policy.

SECTION 3. AMENDMENT OF THE CODE

The Avoidable Alarm and Knox Box Law of the Town of Newstead as adopted on April 24, 2017 and filed with the Secretary of State on May 2, 2017 is hereby amended as follows:

Section 6. is amended add a new C. which reads as follows:

C. Owners of commercial structures constructed prior to the adoption of the Knox Box Policy of the Town of Newstead on June 13, 2010 shall have the right to request permission to opt out of the Knox Box requirement upon submittal of a written request setting forth the reasons requesting the opting out of the Knox Box requirement and a written agreement absolving the Town of Newstead from liability resulting from the failure to have a Knox Box installed.

SECTION 4. SEPARABILITY

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State of New York.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:50 p.m. on the 10th day of July, 2017, for the purpose of hearing all persons interested in the proposed Local Law No. 5 of the Year 2017; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and (c) send notice to Erie County Department of Environment and Planning as required under Section 239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 5 of the Year 2017, entitled "Amendment to the Avoidable Alarm and Knox Box Law of the Town of Newstead", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman	Dugan	Voted _____
Councilman	Burke	Voted _____
Councilman	Jendrowski	Voted _____
Councilwoman	Morlacci	Voted _____
Supervisor	Cummings	Voted _____

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on June 26, 2017, for adoption a proposed Local Law to be known as "Local Law No. 5 of the Year 2017" entitled "Amendment to the Avoidable Alarm and Knox Box Law of the Town of Newstead". The proposed Local Law will allow for owners of existing commercial structures constructed prior to the adoption by the Town of Newstead of a Knox Box Policy on June 13, 2010 requiring the installation of Knox Boxes to request an exemption from the policy.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 5 of the Year 2017, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:50 p.m. on the 10th day of July, 2017 at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheel chair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by July 5, 2017.

Dated: June 26, 2017

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

RESOLUTION AND ORDER CALLING FOR A HEARING
BEFORE THE TOWN BOARD WITH RESPECT TO AN UNSAFE
BUILDING LOCATED AT 11895 BUCKWHEAT ROAD
AND OWNED BY TIM KOWALAK

WHEREAS, the Town of Newstead has adopted by Local Law No. 4 of the Year 2002 a Local Law Regulating Unsafe Buildings in the Town of Newstead (the "Unsafe Building Law"); and

WHEREAS, the Code Enforcement Officer of the Town of Newstead has notified the Town Board of the existence of an Unsafe Building Located at 11895 Buckwheat Road in the Town of Newstead, New York SBL #85.00-2-31 which premises is owned by Tim Kowalak, with a mailing address of 77 Main Street, Lockport, New York 14094, and submitted a Report of Unsafe Building to the Town Board as required under Chapter 133 of the Unsafe Building Law; and

WHEREAS, the Town Board has reviewed the report and evidence submitted with such report and has determined that the premises at 11895 Buckwheat Road is in violation of the Unsafe Building Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board determines that the condition of the single family building located at 11895 Buckwheat Road violates the provisions of the Unsafe Building Law and that there is too much deterioration to repair in that the roof is buckling and has several holes in it, the walls are leaning and some walls are even missing due to a fire that has left the structure unsecured allowing one to walk right in, the floors are deteriorating, windows are missing, broken or otherwise in poor repair, foundation is deteriorating and rodents are living inside. The building has been vacant for a considerable period of time.
2. That a hearing be held before the Town Board on July 10, 2017 at 7:55 p.m. at the Newstead Town Hall, 5 Clarence Center Road, Akron, New York at which time Tim Kowalak and/or representatives of Tim Kowalak, the owner of the property at 11895 Buckwheat Road will be given the opportunity to appear in person and provide evidence that the property is not in violation of the provisions of the Unsafe Building Law.
3. The Code Enforcement Officer of the Town is directed to serve Notice to the Property Owner of the alleged violation of the Unsafe Building Law at least 15 business days prior to the hearing date, in form as required by the Unsafe Building Law and in accordance with the directions of the Town Board and substantially in accordance with the Report of Unsafe Buildings to the Newstead Town Board submitted to the Town Board on April 10, 2017 with such other additions and corrections as may be required in consultation with the Attorney for the Town.
4. The Town Board proposes that the demolition of the building commence within 30 days following the hearing and be completed within 60 days following the hearing.

5. This resolution shall take effect immediately

The above resolution and order was duly put to a roll call vote at a regular meeting of the Town Board held on June 26, 2017, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____
Supervisor Cummings	_____